

House Bill 983 (AS PASSED HOUSE AND SENATE)

By: Representatives Collins of the 27th, Martin of the 47th, Day of the 163rd, Talton of the 145th, Sellier of the 136th, and others

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to general provisions for law enforcement officers and agencies, so as to provide for the arrest of certain offenders by out-of-state law enforcement officers; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to general provisions for law enforcement officers and agencies, is amended by adding a new Code section to read as follows:

"35-1-15.

(a) As used in this Code section, the term:

(1) 'Fresh pursuit' means pursuit by a law enforcement officer of a person who is in immediate and continuous flight from the commission of a criminal offense.

(2) 'Law enforcement officer' means a person employed or appointed by a state or political subdivision who is granted, by state law, the authority to enforce criminal, traffic, or penal laws of their respective state and who possesses the power to effect arrests.

(b) A law enforcement officer from Alabama, Florida, North Carolina, South Carolina, or Tennessee who enters this state in fresh pursuit of a person shall have the same authority to arrest and hold in custody such person within this state as that of a law enforcement officer of this state. Provided, however, that the authority granted by this Code section shall be limited to criminal offenses of the pursuing state that also are criminal offenses under the laws of this state and that are punishable by death or imprisonment in excess of one year under the laws of the pursuing state.

1 (c)(1) When an arrest is made in this state by a law enforcement officer of another state
2 pursuant to this Code section, the law enforcement officer shall, without unnecessary
3 delay, take the person arrested before a judicial officer of this state.

4 (2) The judicial officer shall conduct a hearing for the limited purpose of determining
5 whether such arrest meets the requirements of this Code section unless the person
6 arrested executes a written waiver of his or her right to a hearing under this Code section.
7 If the judicial officer determines that such arrest was unlawful, he or she shall discharge
8 such person arrested. If the judicial officer determines that such arrest was lawful, he or
9 she shall commit such person arrested to imprisonment as provided in Code Section
10 17-13-35. Once such person is imprisoned pursuant to this Code section, the provisions
11 of Chapter 13 of Title 17 of the Official Code of Georgia Annotated govern the
12 extradition and return of such person to the state in which the criminal offense was
13 committed.

14 (d) This Code section shall apply only to a law enforcement officer from Alabama,
15 Florida, North Carolina, South Carolina, or Tennessee where the state in which the law
16 enforcement officer is employed or appointed has enacted a provision similar to this Code
17 section relating to the arrest and custody of a person pursued into a neighboring state."

18 **SECTION 2.**

19 This Act shall become effective upon its approval by the Governor or upon its becoming law
20 without such approval.

21 **SECTION 3.**

22 All laws and parts of laws in conflict with this Act are repealed.